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LAW OF THE SEA

Letter dated 18 February 1993 from the Permanent Representative of Thailand to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a statement of the Ministry of Foreign Affairs of the Kingdom of Thailand regarding the position of the Royal Thai Government on the right of innocent passage in the territorial seas, the right of transit passage in the straits used for international navigation and the freedom of navigation in the exclusive economic zone (see annex).

I should be grateful if you would have the present letter and its annex distributed as an official document of the General Assembly under item 36 of the preliminary list.

(Signed) Nitya PIBULSONGGRAM
Ambassador
Permanent Representative

* A/48/50.

ANNEX

Statement of the Ministry of Foreign Affairs of Thailand

It has been brought to the attention of the Ministry of Foreign Affairs that several States have now enacted laws and regulations, the effect of which is to restrict the rights of passage and the freedom of navigation of foreign ships in their maritime zones. The Ministry of Foreign Affairs wishes to make known the position of the Royal Thai Government on this matter as follows:

1. According to the well-established rules of customary international law and State practice as recognized and codified by the 1982 United Nations Convention on the Law of the Sea, ships of all States have the right of innocent passage in the territorial sea, the right of transit passage in the strait used for international navigation and the freedom of navigation in the exclusive economic zone of another State.

2. All foreign ships, including warships, merchant ships and fishing vessels, can exercise such rights and freedom without having to give prior notification to, or obtain prior permission, approval or consent from the coastal State concerned regarding their intended passage.

3. Therefore, any laws and regulations which tend to restrict the aforesaid rights and freedom are contrary to the rules of customary international law and are, moreover, incompatible with the obligations assumed by the States concerned when they signed the 1982 Convention.

4. For these reasons, the Royal Thai Government feels obliged to declare that Thailand does not consider herself bound by the laws and regulations in question. In the meantime, it is hoped that States which have enacted such laws and regulations will not actually carry out any measure to impede or interfere in any way with the legitimate exercise by foreign ships of the right of innocent passage in their territorial seas, the right of transit passage in their straits used for international navigation or the freedom of navigation in their exclusive economic zones.